UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte DINESH C. VERMA

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Appeal 2009-006384
Application 09/932,735
Technology Center 2400

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Before JOHN A. JEFFERY, JEAN R. HOMERE, and STEPHEN C. SIU,
Administrative Patent Judges.

JEFFERY, *Administrative Patent Judge.*

DECISION ON APPEAL[1]

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[1] The two-month time period for filing an appeal or commencing a civil
action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing,
as recited in 37 C.F.R. § 41.52, begins to run from the "MAIL DATE"
(paper delivery mode) or the "NOTIFICATION DATE" (electronic delivery
mode) shown on the PTOL-90A cover letter attached to this decision.

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1-35. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

STATEMENT OF THE CASE

Appellant invented a system that uses servers to correlate user tracking information in different domains. *See generally* Spec. 4-5. Claim 1 is reproduced below with the key disputed limitations emphasized:

> 1.   A method comprising:
>
>   employing a first web server in a first DNS domain, and a second web server in a second DNS domain, wherein the first web server uses a first user tracking mechanism to collect client information and stores the client information as a client record in a database;
>
>   the first web server directing a client to access a resource at the second Web-Server;
>
>   *said resource encapsulating information about a location of the client record in the database*;
>
>   *the second web server decapsulating the location and retrieving the client record from the database*; and
>
>   the second web server using the client record in conjunction with a second user tracking mechanism.

The Examiner relies on the following as evidence of unpatentability:

Rosenberg	US 6,073,241	June 6, 2000
Callaghan	US 2002/0007317 A1	Jan. 17, 2002 (filed Mar. 30, 1998)

THE REJECTION

The Examiner rejected claims 1-35 under 35 U.S.C. § 103(a) as unpatentable over Callaghan and Rosenberg. Ans. 3-20.[2]

CLAIM GROUPING

Appellant argues the following claim groupings separately: (1) claims 1-6, 11, 12, 14, 15, 17, 21-24, 27-30, and 32[3]; (2) claims 7-10, 13, 16, 25, and 26[4]; and (3) claims 18-20 and 31[5]; (4) claim 33; (5) claim 34; and (6) claim 35. *See* App. Br. 6-25. Accordingly, we select claims 1, 7, and 18 as representative of groups (1)-(3). *See* 37 C.F.R. § 41.37(c)(1)(vii).

THE CONTENTIONS

Claims 1-6, 11, 12, 14, 15, 17, 21-24, 27-30, and 32

The Examiner finds that Callaghan discloses all the limitations of representative independent claim 1, except teaching a first web server stores the client record in a database, the resource encapsulates information about the client record's location and a second server decapsulates the location and

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[2] Throughout this opinion, we refer to (1) the Appeal Brief filed January 29, 2008 and supplemented March 17, 2008; (2) the Examiner's Answer mailed June 17, 2008; and (3) the Reply Brief filed August 18, 2008.
[3] Independent claims 11, 14, and 21 rely on the discussion of claim 1. *See* App. Br. 15. Claims 2-6, 12, 15, 17, 22-24, 27-30, and 32 rely on the arguments for claims 1, 11, 14, and 21. *See* App. Br. 15, 18-21.
[4] Claims 8-10, 13, 16, 25, and 26 rely on the arguments presented for claim 7. *See* App. Br. 15-20.
[5] Claims 19, 20, and 31 rely on the arguments presented for claim 18. App. Br. 19-20.

retrieves the record. Ans. 4-5. The Examiner relies on Rosenberg to teach the missing limitations. Ans. 5.

Appellant argues that neither reference encapsulates the information about a location of the client record as recited. App. Br. 7-15. Specifically, Appellant finds that Rosenberg's unique identifier is not information about a record's location in a database. App. Br. 8-10. Appellant also argues Rosenberg fails to teach a second server decapsulating the location and retrieving the client's record. App. Br. 10-11. Appellant further asserts that Callaghan does not need to look to Rosenberg's teachings because Callaghan already teaches tracking users across multiple web sites and that the references are not combinable because they operate differently. App. Br. 12-14. The issues before us, then, are as follows:

ISSUES

(1) Under § 103, has the Examiner erred in rejecting claim 1 by finding that Callaghan and Rosenberg would have taught or suggested:

(a) a resource encapsulating information about a client record's location in the database, and

(b) a second web server decapsulating the location and retrieving the client record from the database?

(2) Would combining Rosenberg with Callaghan destroy Callaghan's principle of operation or otherwise render Callaghan inoperable?

FINDINGS OF FACT (FF)

1. Callaghan discloses a proxy server 202 receives a request (e.g., GET http://www.ibm.com/pgm3.exe with a Uniform Resource Locator

(URL)) at 208 from a browser 200 of the client computer 102. The proxy server 202 adds the state information (e.g., COOKIE: STATE=STATE1) to request 210 (e.g., GET /pgm.exe HTTP/2.0) as a cookie. The request is then forwarded to the WWW servers 204 (e.g., www.ibm-com). Callaghan, ¶¶ 0038, 0051-54; Figs. 1-2.

2. Callaghan teaches storing a domain's state information as a cookie so that the state information can be shared between different domains. Callaghan, ¶¶ 0017, 0043, 0049.

3. Callaghan teaches the proxy server 202 maintains a state table that includes both the URL and associates the state information with a URL, when the proxy server receives a request. Callaghan, ¶ 0053.

4. Rosenberg teaches a process of tracking a web browser across distinct domains. This method includes generating a unique id (e.g., "i") at step 76 and cookie for a browser at step 82, when a cookie has not been set and a client's computer 22 requests a web page from a server (e.g., Server A). The unique id is stored in a database at step 78 as an entry. The returned page includes a header having the cookie with the unique identification information. Rosenberg, col. 3, ll. 10-20, col. 4, l. 65 – col. 5, l. 34; Fig. 2.

5. Rosenberg shows that the unique id value/number is used as a cookie value/cookie ID # to be shared with other servers (e.g., servers A,B) and to log what content the servers requested. Rosenberg, col. 5, ll. 24-54, col. 5, l. 55 – col. 6, l. 9; Fig. 3.

6. Rosenberg explains the unique id is conveyed to additional servers and the data associated with the unique ID is accessible to each server computer 24 in the network. Rosenberg, col. 5, ll. 11-24 and 28-45.

ANALYSIS

Based on the record before us, we find no error in the Examiner's obviousness rejection of claim 1 which calls for, in pertinent part, a resource encapsulating information about the client record's location in a database. Callaghan discloses the first server (e.g., proxy server 202) directs a client (e.g., from 102) to access a resource (e.g., a URL) at a second web server (e.g., one of servers 204). FF 1. Callaghan teaches maintaining a database with information about the state of a client's record and associates the state with URL by adding a cookie to the requested resource (*see* FF 1-2) so as to share state information between domains (FF 3). Callaghan thus teaches encapsulating a resource with a cookie to be sent to a second server. *See* FF 1, 3. Callaghan nonetheless does not disclose the encapsulated information is about the client record's location in a database.

Rosenberg teaches other information created and stored in a database when a client requests access to a similar resource (e.g., a web page) from a server. FF 4. For example, Rosenberg teaches setting a cookie for a browser by generating a unique identification value (e.g., step 76) (*id.*) and making the cookie value accessible to other servers (FF 5-6). Rosenberg also explains that data is separate from and associated with the unique identification value. FF 6. Combining Rosenberg's teaching with Callaghan would yield no more than the predictable result of encapsulating a cookie value, including a cookie having an identification value (FF 4) within the requested resource (e.g., page) so as to make the data associated with the identification value accessible to servers (FF 6). *See KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 416 (2007). Moreover, attacking Rosenberg individually (*see* App. Br. 7-11) does not show nonobviousness where

rejections are based on Callaghan and Rosenberg. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986).

Appellant argues that the unique identification is not information about the client record's location in a database. App. Br. 8. We disagree. First, we note that claim 1 recites the broader limitation, "encapsulating information *about* a location" (emphasis added) and not "encapsulating a location." Second, Rosenberg explains the identification value is used by servers to access or obtain the data or information associated with the unique identification number. *See* FF 6. Thus, Rosenberg at least suggests that the associated data is obtained using or by decapsulating the identification value to determine where this associated data is located. Otherwise, the server would not be able obtain the appropriate information with returned page. Rosenberg's teaching only further illustrates this point because the returned page includes the cookie that is the unique identification number. *See* FF 5. That is, the cookie must have been sent to the server in the first place for Rosenberg to return this cookie with the return page. We therefore find that this value is information *about* the data's location in a database. *See id.* Moreover, even if sequentially accessed (App. Br. 9), this information is eventually located based on the identification value or information about the data's location.

Appellant also contends that Callaghan teaches tracking a user over multiple web sites and domains and, thus, Rosenberg's teachings are redundant. App. Br. 11-15. We disagree. As stated above, Rosenberg teaches using a different type of cookie (e.g., an identification value) than Callaghan to associate data with an identification number for sharing (*see* FF 5-6). *Compare* FF 4 with FF 1. This is precisely a reason why an ordinarily

skilled artisan would look to Rosenberg to improve Callaghan's techniques. *See KSR*, 550 U.S. at 417. Additionally, while Callaghan and Rosenberg may be arranged differently, as Appellant asserts (App. Br. 13), we fail to see how combining these teachings would otherwise destroy Callaghan's method for sharing information across servers and domains. In fact, this combination improves on Callaghan by not only including a cookie related to state information, but also having a cookie or information about the location of data.

For the foregoing reasons, we find no error in the Examiner's rejection of representative claim 1 and independent claims 11, 14, and 21, which are commensurate in scope. Claims 2-6, 12, 15, 17, 22-24, 27-30, and 32 are likewise sustained.

Claims 7-10, 13, 16, 25, and 26

Representative independent claim 7 recites creating a link to the second web server that encapsulates information about a location, but unlike claim 1, does not recite decapsulation. The Examiner finds that Callaghan discloses many of the limitations in claim 7, except for storing a client record in a database and creating link that encapsulates information about the client record's location. Ans. 6-7. Rosenberg is cited to cure this deficiency. Ans. 7. Appellant presents similar arguments to claim 1. App. Br. 15-17. Namely, Appellant contends that Rosenberg does not teach encapsulated information about the location within a link and that the unique identification value is not equivalent to record's location in a database. App. Br. 16. The issues before us are similar to those related to claim 1, and we are not persuaded of error for the reasons previously discussed.

Additionally, regarding the specific assertion that Rosenberg does not teach creating a link, Appellant cannot attack Rosenberg individually where rejection is based collectively on Callaghan and Rosenberg. *Merck*, 800 F.2d at 1097. As explained above, Callaghan teaches creating a link or request that includes or encapsulates a cookie to permit information to be shared. FF 2. Rosenberg teaches an alternative or additional cookie to encapsulate with the Callaghan's link in order to assist in sharing information with servers and to log what content the servers requested (FF 5). Thus, the combination is no more than an improved technique over Callaghan that predictably yields creating a link encapsulating information about a client's record location so that information can be shared with servers and to log what information the server's request. *See KSR*, 550 U.S. at 416.

We therefore sustain the Examiner's rejection of claim 7, and claims 8-10, 13, 16, 25, and 26 which fall therewith.

Claims 18-20 and 31

Representative independent claim 18 is commensurate in scope with the limitation of creating a link in claim 7. Appellant relies on the previous arguments made for claim 7, as well as the contentions that combining Callaghan with Rosenberg is not obvious for reasons discussed in connection with claims 1, 11, 14, and 21. *See* App. Br. 18-19. We are therefore not persuaded of error in the Examiner's rejection for the reasons discussed above with claims 1 and 7. Accordingly, we sustain the Examiner's rejection of claims 18-20 and 31.

Claim 33

Claim 33 depends from claim 2 and further recites storing a first and second cookie including a first and second identity respectively and correlating the cookies. The Examiner finds that Callaghan teaches these additional steps (Ans. 20) while Appellant argues that Rosenberg and Callaghan fail to teach these limitations (App. Br. 21-22; Reply Br. 2-9). Specifically, Appellant asserts that neither Callaghan nor Rosenberg teaches the state information cookies include identities (Reply Br. 3, 5, 8, 9) or that these cookies are correlated (Reply Br. 5-6). The issue before us, then, is as follows:

ISSUE

(3) Under § 103, has the Examiner erred in rejecting claim 33 by finding that Callaghan and Rosenberg collectively would have taught or suggested:

(a) storing a first and second cookie having a first and second identity, respectively, and

(b) correlating the cookies?

FINDINGS OF FACT (FF)

7.   Rosenberg teaches an embodiment where two "cookie ID #"s (e.g., ID#1 = 123 or ID#2=456) from different servers (e.g., Servers A, B) are stored and merged. This merged embodiment includes the content requested by the servers tracked by the two cookies. Rosenberg, col. 5, ll. 63-65; col. 6, ll. 23-58; Figs. 4-5.

ANALYSIS

Based on the record before us, we find no error in the Examiner's obviousness rejection of claim 33 which calls for, in pertinent part, storing a first and second cookie including a first and second identity. Rosenberg teaches an embodiment where two cookies (e.g., ID#1 = 123 or ID#2=456) are stored and merged. FF 7. By merging the two cookies into a single entry, these two cookies are correlated about the content requested, contrary to Appellant's assertion (App. Br. 21-22). *Id.* Additionally, these cookies have identification numbers or values that are identities as broadly as recited. *See id.* We therefore sustain the rejection of claim 33.

Claims 34 and 35

Claims 34 and 35 are commensurate in scope to claim 33, but depend from independent claims 7 and 18, respectively. Appellant presents similar arguments for these claims. *See* App. Br. 22-25; Reply Br. 9-14. We are not persuaded for the reasons discussed above in connection with claims 33, 7, and 18. Accordingly, we sustain the Examiner's rejection of claims 34 and 35.

CONCLUSION

The Examiner did not err in rejecting claims 1-35 under § 103.

DECISION

The Examiner's decision rejecting claims 1-35 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

msc

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